

Brian B. Williams, OSB No. 964594
Alison R. Barber, OSB No. 085581
HITT HILLER MONFELS WILLIAMS LLP
411 SW Second Avenue, Suite 400
Portland, Oregon 97204
Telephone: (503) 228-8870
Facsimile: (503) 228-4250
E-mail Address: bwilliams@hittandhiller.com
E-mail Address: abarber@hittandhiller.com

Of Attorneys for Defendants Holman Transportation Services, Inc., Holman
Transportation, Inc. and Leland Lawrence

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

LAURI MORRIS,

Plaintiff,

Case No.

v.

HOLMAN TRANSPORTATION SERVICES,
INC., an Idaho corporation, HOLMAN
TRANSPORTATION, INC., an Idaho
corporation, and LELAND LAWRENCE,

Defendants.

NOTICE OF REMOVAL
Marion County Circuit Court
Case No. 18CV58124

TO: The Judges of the United States District Court for the District of Oregon;
Clerk of Marion County Circuit Court of the State of Oregon; and
Travis S. Prestwich, attorney for Plaintiff.

Defendants give notice of removal as follows:

1. On or about December 20, 2018, an action was commenced in Circuit Court of
the State of Oregon for the County of Marion entitled: ***LAURI MORRIS, Plaintiff, v. HOLMAN
TRANSPORTATION SERVICES, INC., an Idaho corporation, HOLMAN***

TRANSPORTATION, INC., an Idaho corporation, and LELAND LAWRENCE and bearing Case No. 18CV58124. A copy of the Complaint is attached hereto as Exhibit A and made of part of this Notice.

2. This lawsuit was filed on December 20, 2018. Service was attempted on Defendants on February 7, 2019.

3. No further pleadings have been filed or served, and there have been no further proceedings in the state court. Fewer than thirty (30) days have elapsed since this action became removable to this court. 28 U.S.C. § 1446(b).

4. Defendants state that this action is removable based on diversity. That is, this a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds \$75,000, exclusive of interests and costs, and is between citizens of different states or a foreign state. Defendants are not citizens of the State of Oregon.

5. Plaintiff was at the time of filing of this action, and still is, a citizen of the State of Oregon. At the time of filing this action, and currently, Defendants were citizens of the State of Idaho. Defendant Lawrence is an individual residing in Idaho. Defendants Holman Transportation Services, Inc. and Holman Transportation, Inc. are corporations existing under the laws of the state of Idaho, and have their principle place of business in a state other than Oregon.

6. Less than one year has passed since this action was commenced.

///

///

THEREFORE, Defendants give notice that the above action now pending in the Circuit Court of the State of Oregon for the County of Marion as Case No. 18CV58124 has been removed therefrom to this Court.

DATED: March 4, 2019.

HITT HILLER MONFILS WILLIAMS LLP

By: /s/ Alison R. Barber

Alison R. Barber, OSB No. 085581

Brian B. Williams, OSB No. 964594

Of Attorney for Defendant

TRIAL ATTORNEY: Brian B. Williams

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

LAURI MORRIS,

Plaintiff,

v.

HOLMAN TRANSPORTATION SERVICES,
INC., an Idaho corporation, HOLMAN
TRANSPORTATION, INC., an Idaho
corporation, and LELAND LAWRENCE,

Defendants.

Case No. 18CV58124

COMPLAINT (Personal Injury)

(CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION)

Prayer amount \$330,000.00

Fee Authority: ORS 21.160(1)(c)

PLAINTIFF ALLEGES:

1.

At all times mentioned herein, Defendant Holman Transportation Services, Inc., was and is an Idaho corporation, generally in the business of transporting refrigerated goods. At all times mentioned herein, Defendant Holman Transportation, Inc., was and is an Idaho corporation, generally in the business of transporting goods across interstate highways. Defendants Holman Transportation Services, Inc., and Holman Transportation, Inc., are known collectively as Defendants "Holman."

2.

At all times mentioned herein, Defendant Leland Lawrence ("Lawrence") was employed by Defendants Holman and was acting within the course of scope of that employment including, but not limited to, when he operated the vehicle owned by Defendant Holman in the incident that is the subject of this action.

Page 1 –COMPLAINT (Personal Injury)



Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

EXHIBIT A

3.

At all times mentioned herein, Donald/Aurora Exit was and is a public thoroughfare running in a generally north and south direction in Salem, Marion County, Oregon. At all times mentioned herein, I-5 is a duly-dedicated public thoroughfare running generally north and south direction, in or near Aurora, Marion County, Oregon, and at some point said highways intersect.

4.

At all times mentioned herein, Defendant Lawrence operated a vehicle owned by Defendant Holman in a southbound direction on the Donald/Aurora Exit ramp behind the Plaintiff's vehicle, while Plaintiff was stopped at the traffic control device.

5.

On or about December 20, 2016, Plaintiff traveled in a southbound direction on the Donald/Aurora off ramp of the I-5, when Defendant Lawrence failed to stop striking the rear portion of Plaintiff's vehicle. Said incident was caused by Defendants' negligence, and each of them, and caused injury to Plaintiff, as set forth more fully below.

6.

Said incident involving Defendants' vehicle and Plaintiff's vehicle resulted from Defendants' negligence, and each of them, in the following particulars:

- 6.1 In failing to keep and maintain a proper or adequate lookout;
- 6.2 In failing to keep their motor vehicle under proper or adequate control to avoid striking another vehicle at the signal lights stationed to control traffic;
- 6.3 In operating their vehicle at a speed which was greater than was reasonable and prudent, with due regard to circumstances and conditions then and there existing.

It was foreseeable that said negligence would cause injury to others, including Plaintiff.

Page 2 – COMPLAINT (Personal Injury)

Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

EXHIBIT A

7.

As a result of Defendants' negligence, and each of them, and the incident described above, Plaintiff sustained the following injuries:

- 7.1 Right shoulder, arm and hand numbness and tingling;
- 7.2 Headaches;
- 7.3 Thoracic strain/sprain;
- 7.4 Cervical strain/sprain;
- 7.5 Cervical disc bulges from C4-C7 with radicular symptoms and which require surgical intervention;
- 7.6 Trapezius, scalenes and rhomboid strain/sprains;
- 7.7 Dizziness;
- 7.8 Sleep loss; and,
- 7.9 General stiffness and soreness.

One or more of Plaintiff's injuries is permanent in nature

8.

As a result of Defendants' negligence, and each of them, and the injuries Plaintiff sustained, Plaintiff has incurred economic damages in the form of medical expenses in the approximate amount of \$20,000.00. Plaintiff will incur future medical expenses for anticipated surgery and related treatment in the amount of \$60,000.00. Therefore, the plaintiff's economic damages total \$80,000.00.

9.

As a further result of Defendants' negligence, and each of them, and the injuries Plaintiff sustained, Plaintiff has endured pain, suffering, disruption of her normal activities, and emotional

Page 3 – COMPLAINT (Personal Injury)

Swanson | Lathen | Prestwich | PC
THE PERSONAL INJURY LAW FIRM

3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

EXHIBIT A

1 distress, and likely will continue to experience pain, suffering and disruption of her normal
2 activities, all of which entitle her to noneconomic damages in the amount of \$250,000.00.

3 10.

4 Plaintiff requests a jury trial.

5 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, for
6 her economic damages in the amount of \$80,000.00, for her noneconomic damages in the
7 amount of \$250,000.00, and for her reasonable costs and disbursements.

8 DATED this 20 day of December, 2018.

9 Respectfully submitted,

10 SWANSON, LATHEN, PRESTWICH, P.C.

11 
12 _____
13 Travis S. Prestwich, OSB No. 003617
14 Of Attorneys for Plaintiff
15 travis@slamlaw.com

16
17
18
19
20
21
22
23
24 Page 4 – COMPLAINT (Personal Injury)

25
26 Swanson | Lathen | Prestwich | PC
27 THE PERSONAL INJURY LAW FIRM

28 3040 Commercial St SE, Suite 200 · Salem, Oregon 97302 · TEL: 503.581.2421 · TOLL-FREE: 1.800.422.4041 · FAX: 503.588.7179

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL** on:

Travis S. Prestwich
Swanson Lathen Prestwich PC
3040 Commercial Street SE, Suite 200
Salem, OR 97302
Fax: (503)581-2421
Attorney for Plaintiff

Court Clerk
Marion County Circuit Court
555 Court Street NE
Salem, OR 97301

by facsimile as well as mailing a full, true and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney shown above, the last-known office of the attorney, and deposited with the United States Postal Service at Portland, Oregon, on the date shown below.

DATED: March 4, 2019.

HITT HILLER MONFILS WILLIAMS LLP

By: /s/ Alison R. Barber
Alison R. Barber, OSB No. 085581
Brian B. Williams, OSB No. 964594
Of Attorney for Defendants

TRIAL ATTORNEY: Brian B. Williams